

Application No. 10/664,776  
Reply to Office Action dated September 16, 2005  
Reply to Office Action of March 16, 2005

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (original) An orthopedic device comprising:
  - a bone plate having at least one opening therethrough and formed of a polymeric material;
  - a fastener comprising a first end defining a head having a surface configured to engage a drive tool and an opposite, second end defining a tissue engaging portion, said fastener disposed within the at least one opening wherein a portion of the bone plate overlays a portion of said surface and the tissue engaging portion projects therefrom.
2. (new) The device of claim 1, wherein said plate has a lower surface adapted for placement against at least two adjacent vertebral bodies of the spine, and an upper surface opposite said lower surface, said at least one opening in said plate having a central longitudinal axis.
3. (new) The device of claim 1, wherein said portion of said plate is moveable relative to said fastener when said fastener is engaged to said plate.
4. (new) The device of claim 1, wherein said at least one opening has a central longitudinal axis, said portion of said plate being moveable relative to the central longitudinal axis of said at least one opening.
5. (new) The device of claim 1, wherein said portion of said plate contacts said surface.
6. (new) The device of claim 1, wherein said plate has a lower surface adapted for placement against at least two adjacent vertebral bodies of the spine, and an upper surface opposite said lower surface, said at least one opening having an upper perimeter intersecting said upper surface, said portion of said plate including a portion of said upper perimeter of said at least one opening.

Application No. 10/664,776  
Reply to Office Action dated September 16, 2005  
Reply to Office Action of March 16, 2005

7. (new) The device of claim 1, wherein surface of said fastener has an outer-most perimeter in a plane transverse to a central longitudinal axis of said fastener, said portion of said plate overlaying said surface around the entire perimeter when said fastener is engaged to said plate.